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12 Attorneys for Defendant

13 ETSY, INC.

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 AS YOU SOW, a 501(c)(3) non-profit
17 corporation,

18 Plaintiff,

19 v.
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21 ETSY, INC. and DOES 1-20, inclusive,

22 Defendants.
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Case No.: 24-cv-04203-SK

**DEFENDANT ETSY, INC.'S NOTICE OF
MOTION TO COMPEL ARBITRATION
OR, IN THE ALTERNATIVE,
TRANSFER VENUE**

Judge: Hon. Sallie Kim

Date: August 26, 2024

Time: 9:30 a.m.

Location: Courtroom C, 15th Floor

1 TO THE HONORABLE CLERK OF THE UNITED STATES DISTRICT COURT OF THE
 2 NORTHERN DISTRICT OF CALIFORNIA, PLAINTIFF AS YOU SOW, AND ITS COUNSEL
 3 OF RECORD.

4 PLEASE TAKE NOTICE that Defendant Etsy, Inc. (“Etsy”) hereby moves for an order
 5 compelling arbitration for the claims, allegations, statement of law, and prayer for relief asserted by
 6 Plaintiff As You Sow in the Complaint, and to stay this case until the completion of the arbitration
 7 proceeding. If the Court does not compel the parties to arbitration, Etsy requests that the Court
 8 transfer the venue of this action to the U.S. District Court for the Southern District of New York.

9 PLEASE TAKE FURTHER NOTICE that if the Court determines a hearing is required, this
 10 Motion will be heard at the United States District Courthouse for the Northern District of California,
 11 San Francisco Division, located at 450 Golden Gate Avenue, San Francisco, California 94102, on
 12 August 26, 2024 at 9:30 a.m., or at another time and location deemed appropriate by the Court.

13 This motion is brought on the authority afforded by the Federal Arbitration Act (“FAA”), 9
 14 U.S.C. § 1 *et seq.*, which requires that Plaintiff’s claims be compelled to arbitration. If the FAA
 15 requires that a dispute be compelled to arbitration, then the Court must stay the case until the
 16 conclusion of that arbitration proceeding. *See* 9 U.S.C. § 3. Etsy’s request that the Court transfer
 17 venue in the alternative is made pursuant to 28 U.S.C. § 1404(a).

18 This Motion is based upon this Notice of Motion, the accompanying Memorandum of Points
 19 and Authorities and any attachments thereto, the complete record in this action, oral argument, and
 20 any other matters this Court may properly consider.

21 DATED: July 18, 2024

Respectfully submitted,

22 McGUIREWOODS LLP

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 25 By: /s/ Nicholas J. Hoffman
 26 Samuel L. Tarry, Jr. (*PHV forthcoming*)
 27 Nicholas J. Hoffman
 28 Aria Hangval
 Attorneys for Defendant
 ETSY, INC.

CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is Wells Fargo Center, South Tower, 355 S. Grand Avenue, Suite 4200, Los Angeles, California 90071-3103. On July 18, 2024, I caused the service of the foregoing document described as **DEFENDANT ETSY, INC.'S NOTICE OF MOTION TO COMPEL ARBITRATION OR, IN THE ALTERNATIVE, TRANSFER VENUE**, addressed as follows:

Rachel S. Doughty
Jennifer Rae Lovko
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Attorneys for Plaintiff
AS YOU SOW

☒ **BY MAIL:** I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Los Angeles, CA, on that same day following ordinary business practices.

☒ **(BY ELECTRONIC TRANSMISSION):** I caused such document to be served electronically to the person’s electronic service address by transmitting a PDF format copy of such document(s) to each person at the e-mail addresses set forth above.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 18, 2024, at Los Angeles, California.

/s/ Miguelina Mendez
Miguelina Mendez